

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Dated: June 7, 2006Name of Person Certifying: Sheila Badon

Printed Name:

Sheila Badon

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Brian Dam Pedersen

Serial No.: 10/561,476

Filing Date: December 21, 2005

For: A BINAURAL HEARING AID SYSTEM WITH  
COORDINATED SOUND PROCESSING

Confirmation No.: Not yet assigned

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

## INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT - Attn: RO/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (IDS) are being brought to the attention of the Office. The items are listed on the attached forms PTO/SB/08A and PTO/SB/08B. The Examiner is requested to make these documents of record.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant(s) is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant(s) as such.

**1. Timing of the Information Disclosure Statement:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) with the new patent application submitted herein (37 CFR § 1.97(a)); or (2) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (3) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (4) before the mailing of a first Office action on the merits; or (5) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant(s) respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

**2. Copies of the Cited Items:**

☒ Copies of only the following items listed on the attached forms PTO/SB/08A (Item Nos. 1 and 2 under Foreign Patent Documents) are enclosed:

- |    |                |            |                      |
|----|----------------|------------|----------------------|
| 1. | WO 99/43185    | 08/26/1999 | Topholm & Westermann |
| 2. | WO 01/76321 A1 | 10/11/2001 | GN Resound A/S       |

☒ Copies of the following items listed on the attached form PTO/SB/08A (Item Nos. 1, under U. S. Patent Documents) are not enclosed. See 37 CFR 1.98(a)(2)(i):

- |    |           |            |           |
|----|-----------|------------|-----------|
| 1. | 5,687,241 | 11/11/1997 | Ludvigsen |
|----|-----------|------------|-----------|

**3. Concise Explanation of Relevance:**

☒ A concise explanation of relevance of the items listed on forms PTO/SB/08A is not given.

4. Conclusion:


Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; and
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached forms PTO/SB/08A with initials or other appropriate marks. In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2518, referencing 7048712001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

DATE: June 7, 2006

Respectfully submitted,

By:   
Gerald Chan  
Registration No. 51,541

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4960  
Facsimile: (650) 849-4800

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number

10/561,476

Filing Date

December 21, 2005

First Named Inventor

Brian Dam Pedersen

Art Unit

Not yet assigned

Examiner Name

Not yet assigned

Attorney Docket Number

2024429-7048712001

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	5,687,241	11/11/1997	Ludvigsen	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	1	WO 99/43185	08/26/1999	Topholm & Westermann		
	2	WO 01/76321 A1	10/11/2001	GN Resound A/S		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.